



DAC
DT20 Rec'd PCT/PTO 30 JUN 2003

310048-347 #10

I hereby certify that this correspondence is being deposited on June 30, 2003 with the United States Postal Service as Express Mail No. ET223404595US in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Justina S. Townsend
Justina S. Townsend

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Jay R. Akhave, et al.

Title: **CONTROLLED DROPLET-FORMED
LAYERED STRUCTURES**

Serial No.: 09/647,752

Filed: December 8, 1997

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
10 JUL 2003
International Division

RECEIVED
JUL 02 2003
OFFICE OF PETITIONS

**SUPPLEMENTAL AND RENEWED
PETITION FOR REVIVAL**

Sir:

In a communication from the U.S. Patent Office, the Petition for Revival of the above-referenced patent application was dismissed without prejudice, and a two-month period for response was established, such response period ending on June 30, 2003.

It appears that the reason for the dismissal was the lack of proof relating to the presentation of the application papers to inventor Ganshyam H. Popat. In fact, the patent application had been presented to Mr. Popat, by a letter dated June 4, 2001 attached to this Supplemental Petition.

However, in order to more clearly confirm this presentation, we recently sent a second copy of the specification, claims, drawings and declaration to Mr. Popat, and discussed the matter with Mr. Popat on the telephone.

310048-347

As indicated in my Declaration attached hereto, we have not received the signed Declaration back from Mr. Popat; and he orally stated to me that he would not sign the Declaration under consideration.

In view of this additional showing, it is requested that the Petition to Revive the above application now be granted.

The Commissioner is hereby authorized to charge any additional filing fees under 37 C.F.R. § 1.16, or application processing fees under 37 C.F.R. § 1.17, which may be required now or during the pendency of this application, or credit any overpayment to Account No. 16-2230. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Alan C. Rose, Reg. 17,047
Attorney for Applicant

OPPENHEIMER WOLFF & DONNELLY LLP
233 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401
Telephone: 310/319-5456
Facsimile: 310/319-3508

Enclosed:

- (1) Declaration of Alan C. Rose
- (2) Declaration of Sharon Brady
- (3) June 4, 2001 letter to Mr. Popat (Exhibit "A")
- (4) Letter to Mr. Popat of June 19, 2003 (Exhibit "B")
- (5) Fed. Express Transmittal Sheet (Exhibit "C")

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay R. Akhave et al.

Examiner:

Serial No. 09/647,752

Group Art Unit:

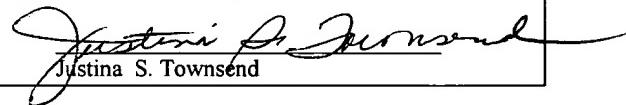
Filed: December 8, 1997

Docket No. 310048-347

Title: CONTROLLED DROPLET-FORMED LAYERED STRUCTURES

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, Express Mail No. ET223404595US, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2003.


Justina S. Townsend

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

DECLARATION OF ALAN C. ROSE

I, ALAN C. ROSE, hereby declare as follows:

1. I am personally acquainted with Ganshyam H. Popat, one of the co-inventors in the above patent application. In this regard, I wrote a number of patent applications in which Mr. Popat was an inventor or a co-inventor while Mr. Popat was an employee of Avery Dennison Corporation.

2. On Thursday, June 19, 2003, I obtained Mr. Popat's telephone number (760) 375-0391 from telephone information and at about 7:45 a.m. on that date I had telephone conversations with Mr. Popat. In these conversations Mr. Popat confirmed that he had previously received a complete copy of the above-identified patent application. He further stated that he refused to sign the Declaration papers because of a dispute with Avery Dennison

Corporation relating to matters unrelated to the above-identified patent application. Mr. Popat also confirmed that he still resides at 1233 Tamarisk Avenue, Ridgecrest, CA 93555.

3. Attached to this Declaration, is a copy of a Supplemental Declaration of Sharon Brady to which is attached a letter dated June 4, 2001 and designated Exhibit "A"; by which a copy of the specification, claims and drawings were sent to Mr. Popat.

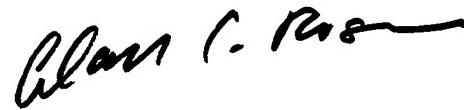
4. Ms. Sharon Brady, who is an employee of Avery Dennison Corporation, assignee of the present invention confirms that she has received no reply from Mr. Popat.

5. For completeness, we have sent another copy of the above-identified patent application including specification, claims and drawings to Mr. Popat via Federal Express on June 19, 2003; and a copy of the letter transmitting this application is attached hereto as Exhibit "B", along with a copy of the Federal Express shipment form, designated Exhibit "C".

6. As of the present date, we have not received a signed Declaration or telephone call or FAX from Mr. Popat. Further, Mr. Popat indicated in the telephone conversations mentioned above that he still would not sign the Declaration involving the above-identified patent application.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,



Alan C. Rose

Attached:

Exhibit "B"
Exhibit "C"

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

233 Wilshire Blvd., Suite 700
Santa Monica, CA 90401

Fax 310.319.3508



Direct Dial: 310.319.5456
E-Mail: ARose@oppenheimer.com

Brussels	Orange County
Los Angeles	Paris
Minneapolis	Silicon Valley
New York	Washington, D.C.

oppenheimer.com

June 19, 2003

Via Federal Express

Mr. Ghanshyam H. Popat
1233 Tamarisk Avenue
Ridgecrest, CA 93555

Re: Avery Dennison Corporation
U.S. Patent Application Serial No.: 09/647,752
Entitled: **CONTROLLED DROPLET FORMED
LAYERED STRUCTURES**
Avery Ref.: 2293-US
Our Ref.: 310048-347199

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

Dear Ghanshyam:

Enclosed please find a copy of the above-identified patent application including the claims and drawings. In addition please find a copy of a Declaration, which has been signed by your co-inventors.

It would be appreciated if you would sign the Declaration and send it back to me, preferably by FAX at the new FAX number on this letter.

In the event that you are unwilling to sign the Declaration, it would be appreciated if you would still give me a call.

Thank you in advance for your cooperation.

Best regards,

A handwritten signature in black ink that appears to read "Alan C. Rose".

Alan C. Rose

OPPENHEIMER WOLFF & DONNELLY LLP

ACR:jst

Enclosed:

- (1) Specification
- (2) Claims
- (3) Drawings
- (4) Declaration

EXHIBIT "B"

From: JUSTINA TOWNSEND (310)788-5079
 OPPENHEIMER WOLFF & DONNELLY LLP
 2029 CENTURY PARK EAST, SUITE 3800
 LOS ANGELES, CA, CA, 90067

REVENUE BARCODE

**FedEx.**

To: Mr. Ghanshyam H. Popat (000)000-0000

SHIP DATE: 19JUN03
WEIGHT: 1 LBS

1233 Tamarisk Avenue

Ridgecrest, CA, 93555

Ref: 310048-347

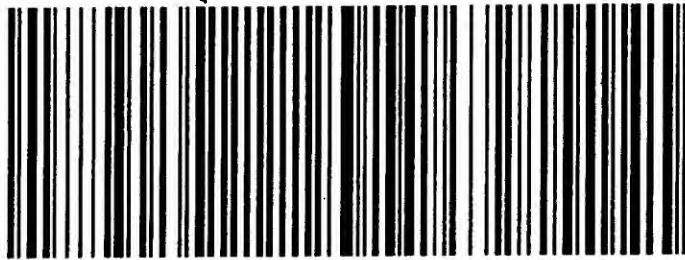
DELIVERY ADDRESS BARCODE (FEDER-EDN)
TRK # 7914 1565 6809 6201

FedEx PRIORITY OVERNIGHT

ONT

93555-CA-US

QX IYKA

FRI
AADeliver by:
20JUN03

Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)
[Go to](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

EXHIBIT "C"



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay R. Akhave et al.

Examiner:

Serial No. 09/647,752

Group Art Unit:

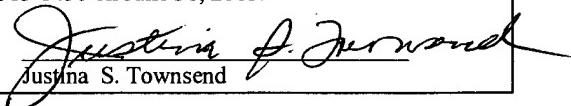
Filed: December 8, 1997

Docket No. 310048-347

Title: CONTROLLED DROPLET-FORMED LAYERED STRUCTURES

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, Express Mail No. ET223404595US, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2003.


Justina S. Townsend

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUL 02 2003

SUPPLEMENTAL DECLARATION OF SHARON BRADY

OFFICE OF PETITIONS

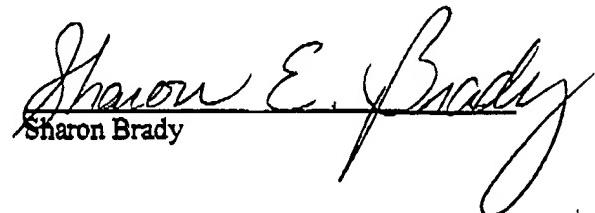
I, SHARON BRADY, hereby declare as follows:

1. I hereby reaffirm the statements set forth in the "Statement of Facts in Support of Filing on Behalf of Non-signing Inventor", dated April 11, 2003 and signed by me.
2. Attached to this Declaration as Exhibit A, is a true copy of a letter dated June 4, 2001 by which I sent to Ganshyam H. Popat a complete copy of the above-identified patent application, including specification, claims, drawings and a declaration. This letter and enclosures were sent to Mr. Popat via DHL courier.
3. Neither the Declaration or any other response were ever received by me from Mr. Popat in response to this letter.

Serial No. 09/647,752

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,


Sharon E. Brady
Sharon Brady

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

COPY



Avery Research Center
2900 Bradley Street
Pasadena, California 91107
Phone: (626) 398-2500
FAX: (626) 398-2553

Sent via DHL

CONFIDENTIAL AND PRIVILEGED

June 4, 2001

RECEIVED

Ghanshyam Popat
1233 Tamarisk Ave.
Ridgecrest CA, 93555

JUL 02 2003

OFFICE OF PETITIONS

Subject: U.S. Patent Application
Serial No. 09/647,752
Entitled: CONTROLLED DROPLET-FORMED LAYER STRUCTURES
Avery Ref No: 2293-US
Oppenheimer Ref No: 310048-347199

Attached are the above-identified application and respective Declaration and Petition formal document. Please review the application, sign and date the formal document, and return the signed formal document by FedEx with the envelope provided to Oppenheimer's address below:

Oppenheimer Wolff & Donnelly LLP
2029 Century Park East, Suite 3800
Los Angeles, CA 90067-3024
Phone: (310)788-5-00
FAX: (310)788-5100

The deadline for getting these documents filed is July 3, 2001. I greatly appreciate you expediting these papers as soon as possible.

Best regards,

Sharon Brady
Project Coordinator, Intellectual Property
AVERY RESEARCH CENTER
2900 Bradley Street
Pasadena, CA 91107
(626)398-2764 Phone
(626)398-2540 FAX
sharon.brady@averydennison.com

Attachment

EXHIBIT "A"